

WEST VALLEY LAND USE  
ADVISORY COMMITTEE

January 28, 2016

Flathead County Board of Adjustment  
Earl Bennett Building  
1035 1<sup>st</sup> Avenue West  
Kalispell, MT 59901

Dear Board Members,

This letter is to inform you of actions taken at the January 26, 2016 meeting of the West Valley Land Use Advisory Committee regarding a request by Betsy Morrison for a variance to setback requirements associated with the installation of a family hardship dwelling on property located at 141 Viano Ln in Section 30, T29N R22W. The property is located within the West Valley Zoning District and zoned West Valley. The variance is to accommodate the placement of a temporary family hardship dwelling within 3 feet of the boundary of a 60 foot private road right of way. West Valley zoning requires minimum 20 foot setback from property lines and right of ways.

Paul McKenzie made the motion, seconded by Justin Ahmann to:

***Forward a favorable recommendation to the Board of Adjustment for acceptance of Zoning Variance Report FZV-15-05 as findings of fact, with the addition of a condition that limits the term of the variance to run concurrently with the term of the temporary septic permit to expire on Jan 7, 2017 and to forward a favorable recommendation for issuance of the variance to the setback requirements subject to the condition listed previously and the findings of fact in the report.***

A voice vote was called; **the motion passed unanimously 5-0 with all board members present voting in favor.**

Please review the attached Draft Minutes from this meeting of the West Valley Land Use Advisory Committee for a discussion of issues and concerns presented by the board and public.

Respectfully,



Paul R. McKenzie  
Secretary

CC: Mark Mussmann, Flathead County Planning and Zoning  
Enclosure: Unapproved minutes from January 26, 2016 meeting.

**UNAPPROVED DRAFT MINUTES**  
**WEST VALLEY LAND USE ADVISORY COMMITTEE**  
January 26, 2016

Acting Chairman David Weyrauch called the meeting to order at 7:00pm. Committee members present were, Paul McKenzie, David Weyrauch, James Thompson, Justin Ahmann and Barbara Pearson, a quorum was present. Paul McKenzie served as secretary. David Tutvedt had sent a message to Paul M stating he was not able to attend the meeting, but had reviewed the application and had no concerns or comments.

The minutes from the 7/22/14 meeting of the WVLUAC were reviewed. Motion by Justin A, second by James Thompson to approve the minutes as presented, unanimous vote in favor.

**GENERAL PUBLIC COMMENT**

Acting Chairman Weyrauch called for general public comment on any issues related to the West Valley planning area. No public comment was presented.

**OLD BUSINESS**

Acting Chairman Weyrauch called for items of Old Business. The issue of reelection of board officers was raised.

David Weyrauch was nominated as Chairman by Paul M., second by Justin A. A vote was called, unanimously in favor of nomination.

Justin Ahmann was nominated as Vice Chairman by David W. Second by Paul M. A vote was called, unanimously in favor of nomination.

Paul McKenzie was nominated as Secretary by Justin A., Second by David W. A vote was called, unanimously in favor of nomination.

**Board officers are as follows:**

**Chairman – Dave Weyrauch**

**Vice Chairman – Justin Ahmann**

**Secretary – Paul McKenzie**

**NEW BUSINESS:**

The board reviewed one project, (FZV-15-05) a request by Betsy Morrison for a zoning variance to property within the West Valley Zoning District, zoned West Valley. The request is for a variance from Section 3.34.040(3) Minimum Yard Requirements, which require a minimum 20 foot setback from property line or road easement. The applicant has placed a manufactured home, currently being used as a “family hardship dwelling”, approximately 3 feet from the edge of the 60- foot private road easement. The property is located at 141 Viano Lane. The family hardship is medical in nature and assumed to be temporary in nature as well. The applicant was not in attendance at the meeting and no applicant presentation was made.

County Planning Director Mark Mussman, presented zoning variance report FZV-15-05 regarding the zoning variance request. The report reviewed consistency of the application with applicable review criteria for zoning variances. No written public comment had been received on the application at the time of the report, however, since that time, the County Health Department did notify the planning office that they have issued a temporary septic permit for the hardship dwelling with a term of 1 year,

expiring on January 7, 2017. The application was made after the hardship dwelling was installed subsequent to a complaint received and investigation made by the planning department.

Some concerned public asked questions of staff regarding the project, most specifically relating to the “temporary” aspect of the use. The staff report includes a summary the review criteria and included nine findings of fact along with a recommendation for approval. Mark explained that topography and previous site development made strict compliance with the setback requirement impractical, especially for the temporary hardship use. Mark did add that subsequent to the receipt of the notice from the Health Department regarding the temporary septic permit, he would recommend the addition of a condition that the zoning variance be issued for a term of one year to run concurrent with the septic permit.

The board asked questions regarding temporary and hardship definitions. Mark explained that there is no specific term included in the definition of temporary, however the way the department interprets “Temporary” in this instance is that once the “need” ends (in this case the need is family medical hardship), then the use and therefore the variance, must end. Questions regarding road use levels, speed and impacts to safety were raised. Mark said those were considered and risks were determined to be at an acceptably low level.

There were five members of the public in attendance, most all neighboring landowners, who’s primary concern was that the use be temporary and their access not be interrupted. The public asked a few clarifying questions about the length of time this use would continue and what the process would be for removing the structure at the end of the hardship period. The department responded that removing the structure at the end of the hardship was part of the application and would be a requirement of the variance. They also answered a question regarding the requirement for a permanent foundation, this is not necessary for the temporary hardship use. No further public comment was offered,

Paul McKenzie made the motion, seconded by Justin A to:

***Forward a favorable recommendation to the Board of Adjustment for acceptance of Zoning Variance Report FZV-15-05 as findings of fact, with the addition of a condition that limits the term of the variance to run concurrently with the term of the temporary septic permit to expire on Jan 7, 2017 and to forward a favorable recommendation for issuance of the variance to the setback requirements subject to the condition listed previously and the findings of fact in the report.***

There was no additional board discussion.

A voice vote was called; **the motion passed unanimously 5-0 with all board members present voting in favor.**

The meeting was adjourned at approximately 7:50pm

Respectfully Submitted,



Paul R. McKenzie